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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,628	07/07/2000	Johan Karoly Peter Galyas	040020-276	7999

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EXAMINER

SPOONER, LAMONT M

ART UNIT PAPER NUMBER

2626

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,628

Applicant(s)

GALYAS, JOHAN KAROLY PETER

Examiner

Lamont M. Spooner

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 8-10 and 16 is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/9/06 have been fully considered but they are not persuasive.

In response to Applicant's arguments regarding claims 11-15, Applicant argues, p.14, "Further, parity bits are attached according to class and the bits allow for sorting ...", wherein the Examiner notes these features are not claimed, wherein the claim recites a data stream, not incoming speech. The Examiner further notes, unclaimed subject matter from the specification cannot be imported into the claims.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 11-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. More specifically, the claims merely recite a mathematical algorithm, and further neither recite a specific device or circuit.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig et al (U.S. Patent 6,295,302) hereinafter referenced to as Hellwig in view of Kalliokulju et al. (U.S. Patent 6,385,451) hereinafter referenced to as Kalliokulju.

Regarding claims 11 and 14, Hellwig discloses an encoder unit having means to receive a data stream having a first bit rate, and means to compress the data stream by dividing the data stream into segments corresponding to partial periods, comprising:

means for creating a speech block (SPB) for each partial period containing parameters representing the data in the corresponding segment, whereby a stream of said speech blocks is produced having a second bit rate considerably lower than the first bit rate. (col. 9, lines 5-14-also a third bit rate, and identification of parity bits associated with said speech blocks

claim 14), means to supply parity bits to the speech block, for the discovery of errors occurring during transmission of the speech block (col. 2, lines 34-38 and 43-47, claim 14, *ibid*), means to decode the parameters thereby create a data stream with a fourth bit rate, being higher than the third bit rate (*ibid*). However Hellwig does not specifically teach a means to sort the position in each speech block of the parameters being part thereof.

However, being able to sort the speech blocks according to a predetermined order is well known in the art, as taught by Kalliokulju. In the same field of endeavor, Kalliokulju discloses a means to sort the position in each speech block of the parameters being part thereof, alternatively the bits being part thereof, according to a predetermined order, based on the mutual importance of the parameters, alternatively of the bits, (col. 6, lines 24-30).

Regarding claim 12, Hellwig and Kalliokulju discloses everything claimed, as applied above in claim 1, in addition Hellwig teaches an encoder unit having means to speech- encode the incoming data stream when it represents speech. (col. 6, lines 12-19)

Regarding claim 13, Hellwig and Kalliokulju discloses everything claimed, as applied above in claim 11, in addition Kalliokulju teaches an

encoder unit according to claim 11, having means to video-encode the incoming data stream when it constitutes a video signal. (col. 6, lines 12-19).

Regarding claim 15, Hellwig and Kalliokulju discloses everything claimed, as applied above in claim 11, in addition Hellwig teaches a mobile radio network with an encoder unit according to any of Claims 11-14. (col. 6, lines 12-19).

Allowable Subject Matter

6. Claims 1-5, 8-10, and 16 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

lms
6/12/06